

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE PORK ANTITRUST
LITIGATION

Case No. 18-cv-01776 (JRT-HB)

Honorable John R. Tunheim

This Document Relates To:

THE DIRECT PURCHASER
PLAINTIFF ACTION

**DIRECT PURCHASER
PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

Direct Purchaser Plaintiffs respectfully move the Court for an Order that this action be certified as a class action for the following "Class" under Federal Rule of Civil Procedure 23 ("Rule 23") since the case fulfills all of Rule 23's requirements:

All persons and entities who directly purchased one or more of the following types of pork, or products derived from the following types of pork, from Defendants, or their respective subsidiaries or affiliates, for use or delivery in the United States from June 29, 2014 through June 30, 2018: fresh or frozen loins, shoulders, ribs, bellies, bacon, or hams. For this lawsuit, pork excludes any product that is marketed as organic or as no antibiotics ever (NAE); any product that is fully cooked or breaded; any product other than bacon that is marinated, flavored, cured, or smoked; and ready-to-eat bacon.

Excluded from this Class are the Defendants, the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded from this Class are any federal, state or local governmental entities, any judicial officer presiding over this action and the members of his/her immediate family and judicial staff, any juror assigned to this action, and any Co-Conspirator identified in this action.

Direct Purchaser Plaintiffs respectfully request that the Court certify the proposed Class, appoint the named Plaintiffs as Class Representatives, and appoint Lockridge Grindal Nauen P.L.L.P. and Pearson, Simon & Warshaw LLP as Co-Lead Class Counsel.

This Motion shall be based on the documents filed concurrently herewith in support thereof, the pleadings on file in this litigation, the advocacy of counsel at hearing of this Motion, and any other matters the Court may consider.

Date: May 2, 2022

/s/ W. Joseph Bruckner

W. Joseph Bruckner (MN #0147758)
Brian D. Clark (MN #0390069)
Joseph C. Bourne (MN #0389922)
Arielle S. Wagner (MN #0398332)
Stephen M. Owen (MN #0399370)

**LOCKRIDGE GRINDAL NAUEN
P.L.L.P.**

100 Washington Avenue South
Suite 2200

Minneapolis, MN 55401

T: (612) 339-6900

F: (612) 339-0981

wjbruckner@locklaw.com

bdclark@locklaw.com

jcbourne@locklaw.com

aswagner@locklaw.com

smowen@locklaw.com

Clifford H. Pearson (*Pro Hac Vice*)

Daniel Warshaw (*Pro Hac Vice*)

Thomas J. Nolan (*Pro Hac Vice*)

Bobby Pouya (*Pro Hac Vice*)

Michael H. Pearson (*Pro Hac Vice*)

**PEARSON, SIMON & WARSHAW,
LLP**

15165 Ventura Boulevard, Suite 400
Sherman Oaks, CA 92403

T: (818) 788-8300

F: (818) 788-8104

cpearson@pswlaw.com

dwarshaw@pswlaw.com

tnolan@pswlaw.com

bpouya@pswlaw.com

mpearson@pswlaw.com

Bruce L. Simon (*Pro Hac Vice*)

Benjamin E. Shiftan (*Pro Hac Vice*)

Neil Swartzberg (*Pro Hac Vice*)

**PEARSON, SIMON & WARSHAW,
LLP**

350 Sansome Street, Suite 680

San Francisco, CA 94104

T: (415) 433-9000

F: (415) 433-9008

bsimon@pswlaw.com

bshiftan@pswlaw.com

nswartzberg@pswlaw.com

Melissa S. Weiner (MN #0387900)

**PEARSON, SIMON & WARSHAW,
LLP**

800 LaSalle Avenue, Suite 2150

Minneapolis, MN 55402

T: (612) 389-0600

F: (612) 389-0610

mweiner@pswlaw.com

*Interim Co-Lead Class Counsel for the
Direct Purchaser Plaintiff Class*